

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKAs

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS H. PLACHY,

Defendant.

4:12CR3049

ORDER

This matter is before the court on the Findings and Recommendation (Filing No. [61](#)) of Magistrate Judge Cheryl Zwart recommending that I accept the defendant's plea of guilty. There are no objections to the Findings and Recommendation. Pursuant to [28 U.S.C. § 636\(b\)\(1\)\(C\)](#) and [NECrimR 11.2\(d\)](#), the court has conducted a de novo review of the record.

After careful review,

IT IS ORDERED:

1. The Findings and Recommendation (Filing No. [61](#)) is adopted.
2. The defendant is found guilty. The plea is accepted. The court finds that the plea of guilty is knowing, intelligent, voluntary, and that a factual basis exists for the plea.
3. The court accepts the written plea agreement discussed with the defendant at the time of the plea hearing and filed of record (Filing No. [59](#)), with the understanding that the court is not bound by the parties' agreement and stipulation, but may with the aid of the presentence report, determine the facts relevant to sentencing. See [U.S.S.G. § 6B1.4\(d\)](#).
4. This case shall proceed to sentencing.

Dated this 26th day of February, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge